

### **REMARKS**

Applicant wishes to thank Examiner Graser for the September 22, 2009 phone interview, wherein the scope of the pending restriction requirement was discussed.

#### **Amendments to the Claims**

Applicant has canceled claims 1-2, 42, 65, 73, 75-76, 83, 86, 89, 101, 102, 106 and 108 without prejudice. Applicant expressly reserves the right to pursue the canceled subject matter in one or more applications that claim priority of the instant application.

Applicant has amended claims 3, 10, 13, 16-19, 21-22, 30, 36, 44-47, 49, 53, 57-59, 64, 97, 103-107 to improve their form.

Applicant has amended claim 30 to provide antecedent basis.

Applicant has amended claim 3 to recite "promotes phagocytosis...". Support for this amendment can be found in the specification at, e.g., Example 4.

Applicant has amended claim 10 to include a  $K_d$  of  $1 \times 10^{-8}$  M to  $1 \times 10^{-11}$  M. Support for this amendment can be found in the specification at, e.g., paragraph 63.

Applicant has amended the pending claims (i.e., claims 3, 10, 22, 26, 30, 36, 59, 64, 97, 103, 107 and 109) to comply with the election of an antibody which binds to the LPS of *Pseudomonas aeruginosa* strain It-2.

Applicant has added new claims 110-112, drawn to pharmaceutical compositions comprising: a) an isolated human antibody or an antigen-binding portion thereof that specifically binds lipopolysaccharide (LPS) O-specific side chain of *Pseudomonas aeruginosa* strain It-2; b) at least one additional antibody or an antigen-binding portion thereof which binds a *Pseudomonas aeruginosa* strain other than It-2; and c) a pharmaceutically acceptable carrier. Support for these claims can be found in the specification at, e.g., paragraphs 21 and 75.

New claim 111, which depends from claim 110, is drawn to monoclonal antibodies. Support for this claim can be found in the specification at, e.g., paragraphs 25, 35 and 58.

New claim 112, which depends from claim 110 or 111, is drawn to a pharmaceutical composition further comprising toxins, complement proteins, radiolabeled proteins, cytokines, or any combination thereof. Support for this claim can be found in the specification at, e.g., paragraph 77.

Applicant has added new claim 113, which recites that the antibodies of claims 103 and 104 comprise: a) a heavy chain, wherein said heavy chain comprises the CDR1, CDR2 and CDR3 regions of SEQ ID NO: 22; b) a kappa light chain, wherein said kappa light chain comprises the CDR1, CDR2 and CDR3 regions of SEQ ID NO: 13; or c) both a and b. Support for this claim can be found in the specification at, e.g., paragraph 118, Table 2 and Table 3.

Applicant has added new claim 114, which recites that the antibodies of claims 103 and 104 comprise: a) a heavy chain, wherein said heavy chain comprises the amino acid sequence of SEQ ID NO: 22; b) a kappa light chain, wherein said kappa light chain comprises the amino acid sequence of SEQ ID NO: 13; or c) both a and b. Support for this claim can be found in the specification at, e.g., paragraph 118, Table 2 and Table 3.

Applicant has added new claim 115, which recites that the antibodies of claims 103 and 104 comprise: a) a heavy chain, wherein said heavy chain is encoded by a nucleic acid which encodes the amino acid sequence of SEQ ID NO: 22; b) a kappa light chain, wherein said kappa light chain is encoded by a nucleic acid which encodes the amino acid sequence of SEQ ID NO: 13; or c) both a and b. Support for this claim can be found in the specification at, e.g., paragraph 118, Table 2 and Table 3.

Applicant has added new claim 116, which depends from claim 46, drawn to a pharmaceutical composition further comprising toxins, complement proteins, radiolabeled proteins, cytokines, or any combination thereof. Support for this claim can be found in the specification at, e.g., paragraph 77.

Applicant has amended claims to update the claim dependencies in light of the claim amendments. Applicant has amended all claims that were formerly dependent from claim 1 or claim 2 (now canceled) to be dependent from claim 103 or claim 104.

Following entry of this amendment, claims 3, 10, 13, 16-22, 26, 30, 36, 38-41, 44-47, 49, 53, 55-59, 64, 77, 97, 103-105, 107, 109-116 will be pending; claims 49, 53, 55, 56, 64

and 109 will be withdrawn; and claims 1-2, 4-9, 11-12, 14-15, 23-25, 27-29, 31-35, 37, 42-43, 48, 50-52, 54, 60-63, 65-76, 78-96, 98-102, 106 and 108 will be canceled.

### **The Restriction Requirement**

The Examiner states that Restriction to one of the following inventions is required under 35 U.S.C. §§ 121 and 372:

Group I. Claims 1-3, 10, 13, 16-22, 26, 30, 36, 38-42, 44-47, 57-59, 84, 85, 97, and 101-108, drawn to an isolated antibody and cell lines producing said antibody.

Group II. Claims 49, 53, 55 and 56, drawn to a method of preventing *Pseudomonas aeruginosa* infection.

Group III. Claim 64, drawn to a method for making an antibody comprising immunizing a non-human animal having incorporated a human immunoglobulin locus therein with a *Pseudomonas aeruginosa* composition.

Group IV. Claims 65, 67, 73, 75-76 and 83, drawn to nucleic acid sequences, host cells, vectors and recombinant production methods.

Group V. Claims 86 and 89, drawn to a non-human transgenic animal expressing a nucleic acid.

Group VI. Claim 109, drawn to a method of detecting the presence of *Pseudomonas aeruginosa*.

### **The Election**

In response to the Restriction Requirement, applicant elects Group I for examination.

The Examiner has further required the election of a single antibody for examination, e.g., an antibody that binds to a specific LPS. Applicant elects the antibody that binds to the lipopolysaccharide (LPS) of *Pseudomonas aeruginosa* strain It-2 (011) and amino acid sequences SEQ ID NO: 13 and SEQ ID NO: 22. It is applicant's understanding that

examination will be conducted with respect to antibodies that bind to *Pseudomonas aeruginosa* strain It-2. Claims 3, 10, 13, 16-22, 26, 30, 36, 38-41, 44-47, 57-59, 97, 103-105, 107 and 110-116 encompass the elected invention.

### **CONCLUSION**

Applicant respectfully requests that the Examiner enter the foregoing amendments and allow the claims pending herein. If the Examiner believes that a telephone conference would expedite allowance of this application, she is invited to telephone the undersigned at any time.

Respectfully submitted,

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